real estate which was conveyed to the said Sidney Sappington by Samuel Ecker, by deed dated March 28, 1883, and recorded in Liber A. F. No. 7, folio 86, one of said Land Records, a certified copy of which said deed is herewith filed, marked "Exhibit No. 4" and prayed to be taken and considered as a part hereof.

- (4) A tract or parcel of land, containing twenty-six and one fourth acres and twenty two square perches, situated on the State Road leading from Libertytown to Unionville, in Linganore District, in Frederick County, Maryland, improved by a two story frame dwelling house of nine rooms, a barn, corn crib, garage and other buildings, and being the same real estate which was conveyed to the said Sidney Sappington by Clementine V. Pearre, by deed dated August 20, 1888, and recorded in Liber W. I. P. No. 6, folio 420, one of said Land Records, a certified copy of which is filed herewith, marked Exhibit No. 5 and prayed to be taken and considered as a part hereof.
- (5) A wood lot containing forty five acres of land, more or less, situated about one-half mile from Libertytown, on the road leading from Libertytown to Walkersville, in Liberty District, in Frederick County, Maryland.

Third: That Rose A. Sappington, wife of the said William C. Sappington, died several years ago, that the said William C. Sappington died July 27th. 1945, leaving eleven children, all of whom are sui juris over twenty one years of age, namely: W. Gilmore Sappington, widower, Frank L. Sappington and Paul R. Sappington, both of whom are single and unmarried, Edna R. Sappington, who married William T. Stitely, Helen L. Sappington, who married John T. Morrissey, Adelaide E. Sappington, who married James M. Boone, Kate P. Sappington, who married Amos Smith, Emma C. Sappington, who married Theodore Sundergill, Josephine K. Sappington, who married Frank House, Mary Margaret Sappington, who married Louis V. Myers and Maude I. Sappington, who married Merton Franklin, all of whom reside in Frederick County, Maryland, except the said James M. Boone, Maude I. Franklin and Merton Franklin, who reside in Carroll County, Maryland.

Fourth: That Robert H. Diller, one of the defendants in the above cause, is a resident of Frederick County, Maryland. That on April 12th., 1940, a judgment by confession was entered in favor of the said Robert H. Diller and against Helen L. Morrissey and John T. Morrissey, her husband, two of the complainants in this cause, in the sum of \$573.38, being No. 141 Trials, February Term 1940, in the Circuit Court for Frederick County, a certified copy of which said judgment is herewith filed, marked "Exhibit No. 6" and prayed to be considered as a part hereof.

Fifth: That the five parcels of real estate hereinbefore described are not susceptible of division and partition among the parties entitled thereto without great loss and injury and that it will be to the benefit and advantage of all of the parties in interest that said real estate be sold under a decree of your Honorable Court and the proceeds distributed among those entitled to receive the same according to their respective interests.

To the end therefore:

- (A) That a decree may be passed by your Honorable Court decreeing a sale of the real estate mentioned and described in the aforegoing Bill of Complaint and distribution made of the proceeds arising therefrom among the parties entitled thereto according to the respective interests.
- (B) And that your complainants may have such other and further relief as their case may require.

May it please your Honors to grant unto your complainants the writ of subpoena directed to the said Mary Margaret Myers, Maude I. Franklin and Robert H. Diller, commanding them and each of them to be and appear, either in person or by solicitor, in your Honorable Court on